

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

Case No.3:98CR00013-07(JAF)

LUIS MIRANDA-GOMEZ

* * * * *

MOTION IN COMPLIANCE WITH
ORDER ISSUED ON FEBRUARY 12, 2008
REGARDING RELEASEE'S EARLY TERMINATION REQUEST

TO THE HONORABLE JOSE A. FUSTE, CHIEF
U.S. DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO:

COMES NOW, Miguel Angel Arroyo-Domenech, United States Probation Officer of this Honorable Court and respectfully informs and prays the following:

1. On February 6, 2006, Mr. Miranda-Gomez was sentenced by the Honorable Hector M. Laffitte, U.S. District Judge at that time, to time served to be followed by five (5) years on supervised release for a violation to Title 21, United States Code, Section 841(a)(1) - Distribution of Cocaine. A special monetary assessment and a fine in the amounts of \$100 and \$10,000, respectively, were imposed.

2. Since his onset on supervision, this officer of the court has been supervising Mr. Miranda-Gomez. He has remained cooperative, and he has displayed a positive attitude towards the supervision process.

3. According to the U.S. Probation Office's records, as of the filing of this motion, Mr. Miranda-Gómez has complied with all Court-imposed standard and special supervision conditions.

4. He satisfied all the financial obligations imposed by the Court.

5. All urine samples collected have tested negative to illegal drug use.

6. According to the National Crime Information Center (NCIC), Mr. Miranda-Gomez has no new criminal charges filed nor new arrests.

7. Mr. Miranda Gomez is a mental health patient. Since September 1, 1998, he has been under the medical care of Dr. Manuel A. Brignoni-Román, 3118 Concordia Street, Galería Profesional, Suite 105, Ponce,

Puerto Rico, who provides him with psychiatric care. Mr. Miranda-Gomez has been diagnosed with Major Depressive Disorder and having suicide ideations. The U.S. Probation Office possess his medical record as of the summer 2007.

8. On September 21, 2007, the Social Security Administration determined that Mr. Miranda-Gomez met the disability requirements under the Social Security Act.

9. As of the filing of this motion, Mr. Miranda-Gomez's has been ordered to be hospitalized on multiple occasions at the Panamerican Hospital in Cidra, Puerto Rico, and additionally, he has had to be hospitalized in the state of Florida.

10. Title 18, United States Code, Section 3564[®] provides for early termination of probation. Said subsection establishes the following: *"The Court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one (1) year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice."* In the case of Mr. Miranda-Gómez, he has already served twenty-four (24) months out of the sixty (60) months of supervised release imposed by the Court.

11. On October 30, 2002, John Hughes, Assistant Director for the Administrative Office of the United States Court notified that a *"revised criteria to assist officers identify offenders who may qualify for early termination was just approved by the Judicial Conference Committee on Criminal Law . In general, the Committee on Criminal Law believes that when the conditions of supervision have been met, and the offender has successfully reintegrated into the community and does not pose a foreseeable risk to public safety in general or to any individual third-party, the probation officer should request the Court to consider early termination."* In the case at bar, Mr. Miranda-Gómez meets all the

aforementioned requirements.

12. Under his medical circumstances, this officer of the Court deems that it does not serve the original intent of the Court nor the interest of justice to continue having this offender under our office supervision. For medical and humanitarian reasons, we inform to the Court that we do not pose an objection to Mr. Miranda-Gómez's petition, and we are strongly recommending that Mr. Miranda-Gómez be granted early termination so that he and his wife be able to focus their efforts in his recuperation.

13. Mr. Miranda-Gómez's supervised release term is due to expire on **February 5, 2011.**

WHEREFORE, after having considered all presented facts in this case, it is this officer's recommendation that Mr. Miranda-Gómez petition for early termination be granted given his health condition.

In San Juan, Puerto Rico, this 13th day of February 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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MAA/

CERTIFICATE OF SERVICE

I **HEREBY** certify that on **February 13, 2008**, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

U.S. Rosa Emilia Rodríguez , U.S. Attorney's Office, Torre Chardón, Suite 1201, 350 Carlos Chardón Ave., San Juan, P.R. 00918; and Roberto Odasz, Esq., 6616 Ave., Isla Verde, Suite 303, Carolina, Puerto Rico, 00979.

In San Juan, Puerto Rico, this **13th day of February 2008**.

s/ Miguel A. Arroyo-Domenech
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